



SENATE FISH AND GAME  
EXHIBIT NO. 3  
DATE March 5, 2009  
BILL NO. HB 203

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JOHN M. BARROWS  
EXECUTIVE DIRECTOR

March 5, 2009

Mike Milburn, Chairman  
Members  
House Fish, Wildlife and Parks

**SB 203 – Landowner notification of animal release**

My name is John Barrows, Executive Director of the Montana Newspaper Association, which represents Montana's 90 daily and weekly newspapers.

We appreciate the emphasis on this bill in informing the general public of certain animal releases.

Our concern with this bill, however, centers on its substitution, for a properly published public notice, a news release, when a wolf, bear or mountain lion is made pursuant to this part. It also eliminates the requirement of notifying by mail private landowners within a 5-mile radius of the location where the animal is released.

Although it requires providing public notice on its website, and when practical, as determined by the department, by personal contact in the general area, this bill greatly decreases the mandated notice of the existing law.

Our concern is the removal of the very notice, one that has been properly published in a locally applicable newspaper, that is and has been since the formation of this state, which is legally accepted in any court. We are of course concerned about the elimination of the mail notice to surrounding landowners.

As a long-time former newspaper editor deep in the heart of wolf country, I worry about the effect eliminating a rigid, legally defensible notification that the published public notice affords.

Current law addresses this specifically. Under 18-7-201, in all cases where any publication is required by law for the state of Montana and any of its divisions, the same shall be published in a newspaper of general bona fide and paid circulation. Similar provisions govern county governments as well.

While we appreciate the idea that newspaper and broadcast new release would give at least indication that information is included on the website, this is no substitute for a required, legal, published notice.

News releases are voluntary on the part of the media. They are under no obligation to print them as released or even to print them at all.

The published notice, on the other hand is specific and gives wide exposure to the intended action.

There are important reasons that a published newspaper notice should form the foundation of any issue requiring proper public notice.

According to the Public Notice Resource Center, a national organization that compiles state public notice laws, there are four principal reasons for a published public notice:

**A public notice is published in a forum independent of the government, such as a local newspaper.**

**A public notice is capable of being archived in a secure and publicly available format.**

**A public notice is capable of being accessed by all segments of society.**

**The public and the source of the notice must be able to verify that the notice was published, and its information disseminated to the public.**

These are important reasons for the continuing of the use of the newspaper as a source of public notice for estrays. Reliance on only an agency website or reliance on a news release that may or may not be published or broadcast restrict the access of the general population from such information. Importantly, the website is totally under the control of the agency, and as such, there is no independent forum; there is no public archiving (as available through the local newspaper) and there is no independent verification of publishing through sworn affidavits of publication.

The cost of public notice is surprisingly low, set at a maximum of \$11 per 100 words for the first publication and \$9 for subsequent publication, regardless of the size of the newspaper.

Without it, there would be no provable proof of publication to fall back on if at some future date there would be disagreement as to whether or not the public was properly informed. The affidavit proves.

Now it is fashionable to call newspapers obsolete, but nothing is farther from the truth. Newspapers are still the primary resource for the general public in obtaining their news and advertising. And this is even truer in rural areas.

In a recent survey, conducted by Pulse Research of Seattle, Washington, a nationally recognized media survey firm, of Montana, newspapers are still ranked exceedingly high as the place Montanans turn to for news and advertising.

For instance, seven out of 10 Montanans (18 and older) in weekly newspaper markets had read that week's issue, and eight out of 10 in daily markets had read that day's copy of the paper.

Approximately two people reach each copy of a newspaper, expanding the reach of each issue over and above those actually sold or distributed.

An interesting figure, belying the old saying that no one reads public notices, is that 55 percent of Montanans read such notices sometimes or regular... only two out of 10 say they never read them.

And even more importantly, 85 percent of those surveyed said they believe state and local government should be required to publish legal and public notices in the newspaper on a regular basis.

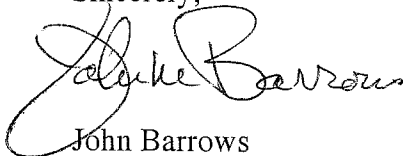
Collectively, Montana newspapers have a total of over 400,000 circulation. Over 188,000 households subscribe to a daily newspaper and over 214,000 to a weekly newspaper. That is a remarkable reach for any type of advertising, including public notices.

In addition many newspapers maintain their own websites, which are heavily visited, adding even more additional readers. The Montana Newspaper Association maintains a free web site, [PublicNoticeAds.com](http://PublicNoticeAds.com), which is made available to Montana newspapers to additionally post all of their public notice ads in an easy, fully searchable data basis. Approximately half of Montana's newspapers are currently posting these ads, and the others are in the process of adding their ads to the service. This is plus distribution for public notice ads, at no additional cost to the agency.

Public notice is an important part of government transparency. Published notices have served Montanans well for over 140 years and continue to do so everyday.

While we appreciate the additional notice requirements, we ask that the bill not eliminate the foundation of public information, the published notice. We also ask that consideration of restoring the direct notification of adjacent landowners as provided in the current law be given.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Barrows", written over a horizontal line.

John Barrows  
Executive Director